



1746

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DANA SCRANTON, *ET AL.*
APPLICATION NO.: 10/055,467
FILED: JANUARY 22, 2002
FOR: **VAPOR CLEANING AND LIQUID RINSING
PROCESS VESSEL**

EXAMINER: FRANKIE L. STINSON
ART UNIT: 1746
CONF. NO: 6380

**RESPONSE TO NOTICE OF FAILURE TO ACCEPTABLY RESPOND
TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice mailed November 19, 2004, Applicant responds as follows:

On September 27, 2004, Applicant filed an Amendment in response to the August 25, 2004, restriction requirement. The September 27, 2004, Amendment, attached as Exhibit A, included all pending claims, beginning on a separate sheet.

A Notice of Non-Compliant Amendment was mailed on October 7, 2004, indicating that the September 27, 2004, Amendment was non-compliant because "Amdts to the claims does not start on a separate page." See Exhibit B. This objection is apparently directed to the "In the Claims" section at page 1 of the September 27,

Certificate of Mailing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 7, 2004
Date of Deposit

Debbie Gilbert
Debbie Gilbert

2004, Amendment. The October 7, 2004 Notice, at lines 2-3, also instructs that "only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire 'Amendments to the claims' section of applicant's amendment document must be resubmitted."

On October 20, 2004, Applicant resubmitted the non-compliant sections. See Exhibit C. Specifically, Applicant filed a new "In the Claims" section, on a separate page. The listing of claims was not submitted, following the instructions of the October 7, 2004, Notice, since the entire set of claims had been previously filed in the original response. See Exhibit A.

A "Failure to Acceptably Respond..." notice was mailed on November 19, 2004. This Notice indicates that the Amendment filed on October 20, 2004, is non-compliant because it does not contain a complete listing of all claims. See Exhibit D. However, the November 19, 2004, notice overlooks the fact that a complete listing of all claims is already present, having been filed with the Amendment filed September 27, 2004.

In a telephone call to the U.S.P.T.O. on December 7, 2004, the Examiner indicated that the missing claim pages were probably lost during scanning. Enclosed as Exhibit E is a postcard receipt sent with the Amendment mailed September 27, 2004, showing receipt on September 30, 2004, of the Amendment, including all claim pages. Accordingly, a complete set of claims was filed September 27, 2004, such that the November 19, 2004, "Failure to Acceptably Respond" notice is improper.

Enclosed as Exhibit F is a replacement Amendment which is identical to the September 27, 2004, Amendment, except that the "In the Claims" section is now on a separate page. To the extent the U.S.P.T.O. determines that Applicant's previous

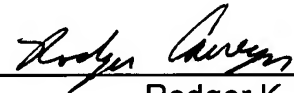
filings are non-compliant, then Applicant withdraws the previous filings in favor of the replacement Amendment attached as Exhibit F.

Dated: 12 / 7, 2004

Respectfully submitted,

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Reg. No. 50,774



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AMENDMENT IN RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction mailed on August 25, 2004, please amend the
Application as follows:

[Continued on the next page.]

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 7, 2004
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